



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304901-19

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<b>Development</b>	Demolition of house, and construction of 39 apartments.
<b>Location</b>	105 Salthill Upper, Galway city, Co Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	18343
<b>Applicant(s)</b>	Catena Property Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party V Condition no. 2 Third Party V Decision
<b>Appellant(s)</b>	Catena Property Ltd. (First Party) Sean and Anne Tracy (Third Party)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> October 2019
<b>Inspector</b>	Irené McCormack

## 1.0 Site Location and Description

- 1.1. The site is located at Salthill Road Upper, Salthill, Galway. The site is located just east of the junction of Salthill Road Upper, Salthill Road Lower and Grattan Road. There is a mixture of uses in the area, including a filling station in the fork between Salthill Road Lower and Grattan Road, some shops and other retail services north of the junction along Salthill Road Lower, short term rental apartments and a hostel on Salthill Road Upper, a language school on the Grattan Road arm of the junction, and a vacant site opposite the site, the subject of a recent grant of planning permission under ABP-302183-18 for a 60 bed nursing home.
- 1.2. These uses are interspersed with private residences, (many offering bed and breakfast on a seasonal basis). Commercial uses, many related to tourism, predominate further south along Salthill Road Upper which joins the R336, running along the promenade / Galway Bay coastline to the east.
- 1.3. The site is occupied by the single storey detached dwelling house fronting Salthill Road Upper. The sea point promenade is also accessible to the rear (east) of the site. The site is 0.2091 ha.

## 2.0 Proposed Development

- 2.1. The development comprises:
  1. Demolition of the existing house,
  2. Redevelopment of the proposed site to accommodate an infill apartment complex of 39 apartments, together with associated balconies,
  3. Revised vehicular access and building signage onto the Salthill Road Upper (R864). Car parking spaces, refuse compound and storage for apartments to be provided at basement level. Site landscaping including the provision of courtyard garden area, with art sculpture and play area at surface/ground level,
  4. Revised boundary treatments and revised access arrangements for pedestrians, wheelchairs and cyclists and associated bicycle parking,

5. Provision of ancillary works including a rainwater harvesting system and connection to existing foul sewer network & public mains, together with all other site works and services.

- 2.1.1. The design reflects two number individual apartment blocks. A contemporary four storey structure with recessed fourth floor fronting Salthill Road Upper (Block B) and an eight storey over basement (Block A) with level seven and eight recessed fronting Grattan Road/Toft Park. Block B will consist of 11 no. 1 - bed apartments, 1 no. 3-bed apartment with a winter garden/balcony at penthouse level, together with a concierge room and an ESB/Switch Room to be provided at ground level. Block A will consist of 26 no. 2-bed apartments, 1 no. 3-bed apartment together with a Community room with a roof garden & patio at Penthouse level and a Solar PV panel Array at Roof level.
- 2.1.2. The proposal includes the provision of 31 no. basement car parking spaces and 30 bike stands.
- 2.1.3. In response to a request for additional information from Galway City Council some amendments were made to the proposal resulting in the removal of the top floor from the block facing onto Grattan Road reducing the maximum height of block A from eight storeys to seven storeys and relocating the community room from the top floor of block A to the ground floor of block B in lieu of a 1-bedroom apartment. The amendments were re-advertised as "Significant Further Information".
- 2.1.4. The design reflects a modern design approach with a flat roof finish finished in beige limestone cladding with a combination of floor to ceiling windows with both recessed and projecting balcony volumes with glazed balustrades panels.
- 2.1.5. The planning application was accompanied by a Flood Risk Assessment, a Traffic Engineering Report, Outline Traffic Management Plan, Civil Works Report, Building Services Report, soft landscaping proposals and photomontages.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority granted permission subject to 20 conditions. The following conditions are of note:

#### **Condition no. 2**

The development shall be amended to secure the omission of one of the typical upper floors of Block A comprising 4 no. two-bedroom apartments. Prior to the commencement of development revised plans showing this shall be submitted or the agreement of the Planning Authority.

Reason: In the interest of visual amenity and character of the area.

#### **Condition No.5**

The proposed pathways across the City Councils land to the south east of the site shall be omitted and no pathway shall be created without the prior consent of the Planning Authority.

Reason: In the interest of proper planning and sustainable development of the area and traffic safety.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Initial Planning Report notes concerns regarding the height of the development facing onto Grattan Road and the potential overlooking of lands to the southwest. Details regarding boundary treatment landscaping and finishes were required to be clarified, in addition to traffic management, car parking, access arrangements and fire safety. It was concluded following receipt of further information that the demolition of the existing single storey dwellings and its replacement with a multilevel apartment development would be in character with the established pattern of development in the area, within walking distance of Salthill Village and Galway city centre. It was recommended planning permission be granted subject to omitting one

of the main floors, thereby reducing the overall height and density of the development having regard to the established pattern of development.

### 3.2.2. **Other Technical Reports**

Roads Section - No objection subject to conditions.

Environment Section - No objection subject to conditions.

Drainage Section - No objection.

### 3.3. **Prescribed Bodies**

Irish Water - No objection subject to conditions

### 3.4. **Third Party Observations**

One no. submission was made to Galway City Council. The following is a summary of the issues raised:

- Density, height and design
- Overlooking and overshadowing
- Quality of amenity space

## 4.0 **Planning History**

### **Site**

None

### **Surrounding**

ABP 302183-18 / GCC Ref. Reg. 17/277 – Permission granted in March 2019 for the construction of a four storey 60-bedroom nursing home at Salthill Road Upper, Salthill, Galway.

GCC Ref. Reg. 15/246 – Permission granted in December 2015 for the change of use of an existing three storey nursing home to hostel accommodation at Pointe Boise, 107 - 109 Upper Salthill, Galway.

## 5.0 Policy Context

### 5.1. Development Plan

The site is governed by the policies and provisions contained in the Galway City Development Plan 2017-2023

The site is located in an area zoned R – Residential “*To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods*”.

- 5.1.1. Relevant policies and standards of the Galway City Development Plan 2017-2023 include:

Policy 2.2 Housing Strategy

Section 2.4 Neighbourhood Concept

An essential element of urban sustainability is the development of a compact city, which is characterised by the consolidation of existing neighbourhoods and the establishment of new neighbourhoods.

- 5.1.2. Salthill is defined as an “Established Suburb” in the Galway City Development Plan 2017-2023

Section 2.6 sets out that: -

Demolition of existing dwellings for higher density apartment development in the established suburbs will not be acceptable. Exceptions to this policy will only be considered on recently zoned residential lands, undeveloped lands where no pattern of development has been established, or on main distributor roads where mixed uses have already been developed, or where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity.

Demolition of existing dwellings for replacement dwellings will not be acceptable in the established suburbs except in cases where it is demonstrated that the proposed development would make a positive contribution to the area’s urban design and

where it does not represent a major intervention into or redevelopment of the urban fabric. This assessment will be balanced with the contribution that any proposed replacement would make to enhance the character of the area and will have regard to any sustainable benefits of such development. Where replacement is acceptable, new development will be required to comply with the Council's development standards

#### Policy 2.6 Established Suburbs

- Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development.
- Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations.

#### 5.1.3. Section 4.3.1 Coast

Galway Bay is an integral part of the aesthetic landscape and culture of the city. The ties between the city and the sea are exhibited in its strong maritime history and the traditions of areas such as The Claddagh, Fishmarket, The Docks and Salthill, a traditional seaside village, which attracts visitors throughout the year.

The coastline is an important tourist and recreation attraction stimulating economic activity, providing local amenity and related socio-economic and health benefits. Both Salthill and Silverstrand beaches are significant assets for the city and have Blue Flag status.

#### 5.1.4. Urban Design

Section 8.7 Urban Design – Good architecture is essential in creating a good image of the city with a strong identity. The detailed design of a building and use of materials are important considerations. High quality architectural design is also important in the context of urban design having regard to the layout and intensity of blocks, plots and buildings. The density of development and the mix, type and location of uses are also key considerations.

Building height -The scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above the prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also however, have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from a city's skyline and impinge upon strategic views

#### Policy 8.7 Urban Design

- Encourage high quality urban design in all developments.
- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, in particular the Galway Shop Front and Signage Design Guidelines (2012) and Design Guidelines: Canopies (2011). Ensure that high quality urban design contributes to successful urban regeneration in the city.
- Encourage innovation in architecture and promote energy efficiency and green design.
- Proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, Architectural Conservation Areas, residential amenity or impinge upon strategic views.

#### 5.1.5. Protected Views

##### Section 4.5.3 Views of Special Amenity Value and Interest

Important views in the city include panoramic views which allow expansive views over landscape for example Galway Bay and over the cityscape and linear views which are views towards a particular landscape, observed from a particular point. The enjoyment of protected views by the community and visitors is a key part of the experience of the city.

##### Panoramic Protected Views



V.4 Seascape views of Galway Bay from Grattan Road, Seapoint, the Salthill Promenade and the coast road to the western boundary of the golf course.

#### 5.1.6. Chapter 10 City Centre/Area Based Plans

##### Section 10.1

Salthill is also quite distinctive in character. The advantage of a seafront location has seen it evolve from a traditional resort to a modern, lively entertainment destination attracting visitors and locals alike. In recent years Salthill has re-established itself as an urban village with an increased residential community and a broader range of local services. It is recognised that in order to protect and strengthen the role of Salthill, area-based policies and development objectives are required.

#### 5.1.7. Policy 10.3 Salthill

- Enhance the role of Salthill as an urban village, a leisure, recreation and coastal amenity area for the city and service centre for the surrounding residential neighbourhoods.
- Ensure high quality in the design of new developments which has regard to the distinctive character of Salthill.
- Enhance the public realm of Salthill through the implementation of an environmental improvement scheme carried out in consultation with local businesses, residents and key stakeholders, with particular focus on the main commercial street and in the vicinity of Seapoint and D'Arcy Roundabout.
- Continue to improve the amenity recreational quality of the area through the preparation of a strategy for the long-term management and enhancement of Salthill Promenade and by the implementation of environmental and coastal improvement schemes and measures included in the Galway Transport Strategy. This shall include for appropriate flood risk assessment and management measures.

#### 5.1.8. Section 11.7 Salthill - Development Standards

##### 11.7.1 Plot Ratio

In the lands zoned 'R' and directly adjoining Toft Park a relaxation of the maximum plot ratio figure of 0.46:1 may be considered only where the other residential amenity standards have been complied with, and where the development is of a scale and height appropriate to its high-profile setting.

### 11.7.3 Car Parking

For new developments in the Salthill area where a reduction in car parking standards is considered acceptable by the Council on grounds of urban design or sustainability, a transport contribution will be levied in lieu of on-site parking spaces.

## 5.2. National Policy and Guidelines

- National Planning Framework (2018)

The National Planning Framework 2040 seeks compact urban growth, with the associated objective that at least half of the future housing growth of the main cities will be delivered within their existing built-up areas through infill and brownfield development and 40% in other key towns. The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 2(a) relating to growth in our cities;
  - NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
  - NPO 4 relating to attractive, well-designed liveable neighbourhoods;
  - NPO 5 relating to sufficient scale and quality of urban development; and
  - NPO 6 relating to increased residential population and employment in urban areas;
  - NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)

Section 3.2 states: *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views.*

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009)
- Quality Housing for Sustainable Communities: Best Practice Guidelines for DELIVERING HOMES SUSTAINING COMMUNITIES (2007)
- The Planning System and Flood Risk Management Guidelines, 2009

### 5.3. **Natural Heritage Designations**

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 56m northwest of Galway Bay SAC (site code 00268) and 100m northwest of Inner Galway Bay SPA (site code 004031).

### 5.4. **EIA Screening**

On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere". Having regard to the size of the development site (.2091Ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **First Party Grounds of Appeal**

The first party appeal is against condition No. 2 of the decision of Galway City Council dated 20/06/2019. The principle grounds of appeal can be summarised as follows:

- The subject site represents the optimum location to accommodate a higher apartment building. Condition no. 2 is excessively restrictive, onerous and unnecessary.
- The development (as amended) at further information stage for a seven storey over basement building block consisting of 38 apartments, is entirely appropriate and acceptable.
- It is set out that the site is dual frontage and the adjoining site have been development as apartment blocks with heights typically of six storeys. These apartments define the sea front frontage.
- It is set out that the site is an underutilized infill and brownfield site on residentially zoned serviced lands along a public transport corridor and capable of accommodating higher density.
- It is set out that the development addresses the site setting by proposing two separate blocks of significantly different height and scale. A four-storey block B fronting Salthill Road and a Seven-storey Block A fronting Galway Bay.
- It is set out that the development has been designed and arranged to facilitate possible future development of the remaining infill site to the immediate northeast of the site.
- The development is in compliance with the National Planning Framework regarding the development of infill sites, increased densities and building heights.
- The development is in compliance with the “Urban Development and Building Heights” Guidelines 2018 noting that increasing prevailing building heights has a critical role to play in addressing the delivery of consolidated urban development.
- It is set out that the development is in accordance with SPPR 3 of the Building Height Guidelines as such the Board may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.

- It is set out that the adjoining higher buildings were approved long before the Building Height Guidelines were adopted.
- The development is in accordance with Section 8.7 (Urban Design) of the Galway City Development Plan 2017-2023.
- Reference is made to SHD ABP-303846-19 for student accommodation where the development proposal included an 8-storey block.

#### 6.1.1. **Third Party Grounds of Appeal**

The third-party appeal was made by Sean and Anne Treacy, Grattan House, 103 Salthill Upper, Galway. The principal grounds of appeal can be summarised as follows:

- The design of apartment block B is 3.4m above the ridge height of the appellant's home and located within 1.44m of the north-eastern boundary of their site.
- The development does not take adequate account of the established building line on Salthill Road.
- It is accepted that there will be a little overshadowing of the site due to the site orientation.
- Block A located to the rear of the site is approximately 18.67m above the ridge height of the appellants property and within 1.588m of the northeast side of their site.
- Separation distances from adjoining development is contrary to Section 11.3.12 (f) of the Galway City Plan.
- It is set out that the ground level is significantly higher than the floor level of the adjoining apartments to the rear of the Pointe Boise site to the south of the site.
- It is also set out that the sixth-floor apartments and roof level community room overlook adjoining properties. It is acknowledged that the 1.8m high non-vision screens reduce the extent of overlooking. However, the screens should be at least 3.6m from the site boundary to ensure that the areas inside the

screens do not acquire right of light from adjoining properties. The same criterion should apply to windows.

- It is set out that the actual plot ratio in excess of Section 11.7.1 of the City Development Plan.
- The height at eight storeys is excessive and generally two to three storeys higher than the highest development in the immediate vicinity. The scale and bulk are out of keeping with the character of Salthill village.
- Contrary to the applicants statement the shadow study submitted with the planning application establishes that the proposed development would result in undue overshadowing of the appellants property from shortly after mid-day onwards resulting in almost complete loss of light and amenity.
- It is set out that the amenity space provided for the scheme is inadequate and overshadowed.
- The development was designed to achieve maximum density without adequate regard to the effect on adjoining properties or appropriately designed and located amenity spaces. The scheme should be revised and the position and heights of building on the site modified.
- The revised proposal did nothing to minimise the bulk/scale of the building where it abuts the appellant's property.

## 6.2. Planning Authority Response

The response of Galway City Council, received by An Board Pleanála on 12<sup>th</sup> August 2019, set out the following:

- The response seeks to address the third-party appeal only.
- It is set out that it is the policy of the City Development Plan to ensure and promote the vibrancy and amenity of the City Centre as a place to live, carry out business and visit.
- In this instance the development of an apartment block in this area is established and the insertion of a new development replacing a single dwelling would be in character with the established pattern.

- The removal of a floor provides for a reduced floor area and building height in keeping with the character of the area.
- It is not considered that the proposed development would result in a loss of amenity for the surrounding properties or adversely affect the street scene.

### 6.3. Further Responses

6.3.1. A further response from the applicant (first party) received by An Board Pleanála on 7<sup>th</sup> August, 2019, set out the following

- It is set out that in accordance with Section 11.7.1 of the City Development Plan a relaxation of maximum plot ratio figure of 0.46:1 may be considered.
- It is noted that the land across the road are zoned CI where plot ratio of 1.75:1 is acceptable. Having regard to the existing plot ratio and allowable plot ratio in the area, the proposed density can be considered in this case.
- The site is located alongside a high-profile setting consisting of a row/townscape of multi-level apartment and commercial buildings, fronting onto extensive parkland and waterfront setting. The site represents an optimum location to accommodate the proposed high-density development and higher buildings on site.
- In relation to building lines, it is set out that proposals may have regard to building lines but are not required to rigidly adhere to established building lines.
- In relation to separation distance, it is stated that the third-parties property immediately abuts the site boundary to the north east and the existing holiday homes on the third-parties property are located c. 1.1m from the site boundary. In this regard the proposed separation distances are considered adequate.
- In relation to the finish floor level, it is set out that the third party has failed to consider the requirements of the flood risk assessment submitted with the planning application.
- It is set out that the development would not result in undue overshadowing within this urban environment and/or adversely affect residential amenity.

- Increased building height is consistent with the Building Height Guidelines 2018 and the prevailing urban character.

6.3.2. A further response from the third-party received by An Board Pleanála on 25<sup>th</sup> July 2019, set out the following

- It is set out that condition no. 2 to omit a floor is unnecessarily conservative and contrary to the Building Height Guidelines, the National Planning Framework and the Galway City Development Plan 2017-2023.
- The submission reiterates that the plot ratio is excessive at this location
- It is stated that two floors should have been removed from block A and the building line of block B recessed 4 to 5 metres.
- It is set out that the third party have not given their consent to the inclusion of any part of their land in this application or to the development of their land in the manner proposed on drawing 18/105 –PA-21 Rev 1A.
- The building dominates the buildings on either side and is excessively high.
- It is set out that the building is contrary to the Building Height Guidelines in so far as the development fails to respect existing building lines and adjoining building heights and does not make a positive contribution to the urban neighbourhood and streetscape.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. The development is the subject of a first party appeal in relation to conditions no. 2 of the decision of Galway City Council dated 20/6/2019 and a third-party appeal in relation to the design and layout of the proposed development.

7.1.2. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:



- Principle of Development
- Design and Layout - Plot Ratio, Building Height -Condition No. 2 and Impact on Visual Amenity
- Residential Amenity
- Flood Risk
- Other Issues
- Appropriate Assessment

## 7.2. Principle of Development

- 7.2.1. The site is zoned 'R' Residential – *To provide for residential development and for associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.* Residential is a permissible use within this zoning category.
- 7.2.2. The proposed development provides for the demolition of an existing dwelling house and the construction of an apartment complex consisting of 39 apartments and all associated site works. Therefore, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.
- 7.2.3. Salthill is defined as an “Established Suburb” in the Galway City Development Plan 2017-2023. In this regard Section 2.6 “Established Suburbs” of the Development Plan states that demolition of existing dwellings for a higher density apartment development in the established suburbs will only be considered on recently zoned residential lands, undeveloped lands where no pattern of development has been established, or on main distributor roads where mixed uses have already been developed, or where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity.
- 7.2.4. The site is an infill site in as suburban area adjacent to a number of existing apartment blocks. The area is accessible to the city centre and adjacent amenities of Salthill and is served by a public bus service. The provision of an apartment complex on the site close to the city centre, within easy access of public transport would be consistent with the policies of the Planning Authority as set out in Chapter

*2 Housing and Sustainable and Neighbourhoods* of the of the Development Plan which sets out that an essential element of urban sustainability is the development of a compact city, which is characterised by the consolidation of existing neighbourhoods and the establishment of new neighbourhoods. I consider the provision of an apartment complex consistent with the concept of urban sustainability and provides for increased residential density in an urban area in line with the objectives of the National Planning Framework.

- 7.2.5. It is considered that the proposed development in terms of floor areas would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018. Whilst, I note most of the units are single aspect, the design is in accordance with section 3.16 of the Design Standards for Apartments , 2018 in relation to daylighting and orientation of living spaces. The Planning Authority have raised no issues in this regard.
- 7.2.6. I note that 31 car parking spaces and 30 bike stands have been provided on the site. I am satisfied that there is no issue with car parking provision on the site. The requirement as per the development plan is one space per dwelling. However, I note the Planning Authority have raised no issues in this regard as the area is centrally located and well served by public transport. I am satisfied that there is no issue with car parking provision on the site.
- 7.2.7. I consider that the principle of the proposed development including the demolition of the existing house on the site, which are not of architectural merit acceptable within this zoning category, subject to the detailed considerations below.

### **7.3. Design and Layout – Density, Plot Ratio, Building Height -Condition No. 2 and Impact on Visual Amenity**

- 7.3.1. The third-party appellants have raised concerns with regards to the proposed plot ratio and contend that the plot ratio and associated residential density is in excess of the indicative level set out in the Development Plan and reflective of a development that is excessively large for the site. The third party argues that the proposed development represents overdevelopment of the site and that the design at eight storeys is excessive and generally two to three storeys higher than the highest development in the immediate vicinity and the layout is substandard by reason of

inadequate open space and separation distances between adjoining properties and building line. As a result, the proposed development would be contrary to the Building Height Guidelines, the National Planning Framework and the Galway City Development Plan 2017-2023.

- 7.3.2. The site is 0.2091ha in area with a **plot ratio** of 1.93 and a **density** of 186 units per hectare. The proposed density of 186 units per hectare exceeds the recommended 30-40+ dwellings per hectare set out in the “*Sustainable Residential Development in Urban Areas*” guidance.
- 7.3.3. The first party justifies the plot ratio and site coverage figures on the basis of the National Planning Framework which expressly seeks the densification of brownfield, infill, urban sites. In this regard, I consider the infill policy as set out in Section 2.6 of the Development Plan relevant in this instance which recognises that these areas are dynamic and that potential still exists for some additional residential development which can avail of existing public transport routes, social and physical infrastructure. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Such development shall have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.
- 7.3.4. The development plan establishes an indicative plot ratio of 0.46:1. The development plan sets out that on lands zoned ‘R’ and directly adjoining Toft Park a relaxation of the maximum plot ratio may be considered where the other residential amenity standards have been complied with, and where the development is of a scale and height appropriate to its high-profile setting. The first party argue that site is located alongside a high-profile setting consisting of multi-level apartment and commercial buildings, fronting onto extensive parkland and waterfront setting and such the development represents an optimum location to accommodate the proposed high-density development and higher buildings on site. I would agree.
- 7.3.5. The **architectural design** resolution reflects two individual blocks with a centrally located landscaped amenity space. In relation to the detailed design of Block B fronting Salthill Road Upper, the design approach is a contemporary one with a flat roof clad in zinc with large glazed window openings looking onto Salthill Road Upper to the front and to the rear the central courtyard amenity space. The design

approach including the recessed building line, in my view, is acceptable having regard to the immediately adjoining pattern of development and the general haphazard building line pattern along the road frontage. The bulk and scale of the proposal is further reduced when viewed from Salthill Road Upper by virtue of the recessed fourth floor.

7.3.6. By contrast Block A fronting the seafront promenade is eight storeys with floor seven and eight recessed. A community room with a roof garden and patio area are proposed at penthouse level. In relation to the detailed design of Block A, the design approach is also a contemporary one with a flat roof clad in zinc with large glazed window openings looking onto the Seafront promenade and to the rear the central courtyard amenity space. The design approach in principle is acceptable, in my view. However, the palette of materials, in particular, the use of beige limestone cladding fails to express or enhance the architectural character of the building and reflects a visual monotony to the streetscape. I consider a condition relating to materials and finishes should be imposed in this instance, if the Board were minded to grant.

7.3.7. In terms of **height**, Policy SPPR 4 of the *Urban Development and Building Heights Guidelines for Planning Authorities* seeks that as a minimum, the densities for such edge of city locations as set out in *"Sustainable Residential Development in Urban Areas (2007)"* be achieved and that a greater mix of building heights and typologies be secured in planning for the future development of suburban locations. A qualitative assessment is also required under Section 3.2 of the height guidelines to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved. In particular, the guidelines seek that a proposed development should satisfy criteria at the scale of the relevant city, district/neighbourhood/street and site/building. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm.

7.3.8. It is acknowledged that prevailing building heights in the immediate area generally does not exceed four - six storeys. The maximum ridge height of block B is 14.9m which is reflective of development along Salthill Road Upper. By contrast, the

maximum ridge height of block A is 30.8m in height. The scheme was revised at further information stage and amended to reflect a seven storey over basement building block with a maximum ridge height of 27.8m consisting of 38 apartments.

7.3.9. **Condition no. 2** of the decision of the planning authority stipulated that the development be amended to secure the omission of one of the typical upper floors of Block A comprising 4 no. two-bedroom apartments, in the interest of visual amenity and the character of the area.

7.3.10. Clearly a building height over and above prevailing height can have a considerable impact. However, a key objective of the National Planning Framework is to provide increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is facilitated and increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development. Whilst, I note the building at eight storeys over basement will be a prominent feature in the streetscape fronting the promenade, I am satisfied in the context of the site setting that the development will not impact negatively on visual amenity or on the character of the area, in so far the general area reflects a mixed architectural character and the proposal breaking the established skyline will visually enhance the architectural character of the promenade and break the monotony of the established apartment pattern in the area. Furthermore, I am satisfied that the staggered recessing of the seventh and eighth floors serves to reduce the visual impact and enhances the architectural interest of the building. The proposed development is in accordance with policy 8.7 of the Development Plan states which states that proposals for buildings which are taller than the prevailing benchmark heights will be considered where they do not have an adverse impact on the context of historic buildings, Architectural Conservation Areas, residential amenity or impinge upon strategic views. Whilst, I note the seascape views are protected, the site is not the subject of any designation or not in an area where the views are protected.

7.3.11. Based on the above considerations, I consider the proposed development is reflective of good contemporary architecture and provides a high-quality design approach. I consider in relation to the visual impact and height that the proposal is of a high standard and is innovative and contemporary yet acknowledging of its

context. The additional height will enhance the streetscape and is in my view successful from an urban design concept.

#### 7.4. Residential Amenity

- 7.4.1. The third party asserts that the proposed development has failed to establish a satisfactory standard of amenity for the future occupants of the development and that the development would represent an overbearing impact on their property and does not adhere to minimum separation distances between properties.
- 7.4.2. In relation **open space provision**, the applicant is proposing a centrally located communal open space between block A and block B accessible to all. The quantum of communal open space complies with the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” and the narrow plan form of both block A and block B and the depth of the open space at 23m will allow sufficient sunlight and daylight permeate the space. In addition, the site layout provides for easy and direct pedestrian permeability through the site from Salthill Road Upper to the promenade and adjacent parks. A landscaping plan accompanied the planning application detailing surface treatment, planting and a children’s play area.
- 7.4.3. The ‘Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities’ and its accompanying ‘Urban Design Manual’ does not set rigid minimum **separation distances** but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The appellant argues that there is inadequate separation distance between the development and their adjoining properties to the northeast abutting the site. In relation to separation distance, site inspection confirmed that the third-party property immediately abuts the site boundary to the north east and the existing holiday homes on the third-party property are located c. 1.1m from the site boundary. The applicant has indicated a separation distance from the adjacent site boundaries at a minimum of 1.44m. I am satisfied that the separation distances provided will allow for adequate access for maintenance and are acceptable in this urban context. .
- 7.4.4. The potential for negative impact on established amenity is assessed particularly with regard to impact of overshadowing, overlooking and overbearing of the adjacent properties. In this regard I note, the applicant has proposed to use obscure glazing to

a height of 1.8m to address overlooking from the site. This is acceptable, and I do not consider that there will be significant detrimental overlooking as a result of the development. A degree of over-looking is considered reasonable in an urban environment.

7.4.5. The third-party appellant asserts that the development will negatively **overshadow** their property. In this regard, I note the sunlight/daylight analysis submitted establishes that whilst there is overshadowing of the adjoining site to the north as a result of the development. I am satisfied that the development will not result in any undue adverse impacts on sunlight and daylight access to neighbouring lands having regard to the site configuration, the central open space proposed allowing light to penetrate from the south and the orientation of the site. Daylight and Sunlight provision for the proposed development is consistent with average requirements. This is acceptable.

7.4.6. Having regard to the location and zoning designation of the site, it is reasonable to conclude that the proposed development will not have significant adverse impact on established amenity as a result of overlooking, overshadowing or overbearing impact

## 7.5. Flood Risk

7.5.1. A Flood Risk Assessment accompanied the planning application. The site is identified as a flood risk area within the CFRAM programme hydraulic modelling of the River Corrib and Galway Bay. The site is not predicted to flood during the 1-in-1000-year river (fluvial) flood event on the River Corrib. However, the CFRAM mapping shows a portion of the site lying within the coastal flood plain liable to flooding during the 1000-year mid-range future scenario.

7.5.2. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed apartments are considered a "highly vulnerable" development in terms of their sensitivity to flooding. The basement level is classified as "less vulnerable" in terms of sensitivity to flooding.

7.5.3. The justification test carried out by the applicant states that the development will not impede the flow of surface water during extreme flood events. As such, it is estimated that the development will not increase the risk of flood risk elsewhere. The

finished floor level has been set at 5.2m OD, which is above the estimated 1000 MRFS coastal flood level with allowance for wave action at 5.12m OD placing the apartments in Flood Zone C and not liable to flooding during the 1000 MRFS.

- 7.5.4. I note that the basement floor level is 1.85m which is below the estimated 200-year coastal flood level at 4.77m OD. The entrance to the basement car park has been set to 4.91m OD such that coastal flood water cannot enter the underground car park/storage area during the 200-year MRFS. Should coastal flood water enter the basement, the design provides for appropriate means of escape for such a scenario.
- 7.5.5. It is noted that the Planning Authority raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would conclude that the proposed development would adequately satisfy the flood risk concern.

#### 7.6. **Other Matters**

- 7.6.1. The third-party states that they have not given their consent to the inclusion of any part of their land in this application or to the development of their land in the manner proposed on drawing 18/105 –PA-21 Rev 1A. In this regard, I note drawing 18/105 – PA-21 Rev 1A is for illustrative purposes only and reflects an indicative proposal regarding a potential future development option for the adjoining site only and does not form part of the current proposal.
- 7.6.2. In relation to condition no. 5 of the decision of the planning authority regarding the proposed pathways across the City Councils land to the south east of the site. I note these works are outside the site area as identified by the applicant and will require the appropriate agreement of the Local Authority independent of the planning application.
- 7.6.3. The reference made by the first party to precedent set by another planning application is not considered relevant.

#### 7.7. **Appropriate Assessment**



- 7.7.1. The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 56m northwest of Galway Bay SAC (site code 00268) and 100m northwest of Inner Galway Bay SPA (site code 004031).
- 7.7.2. Having regard to the nature and scale of the proposed development, impact pathways would be restricted to noise. There is no hydrological pathway.
- 7.7.3. Conservation objectives have been prepared for the Galway Bay SAC (site code 00268) and Galway Bay SPA (site code 004031).

**Conservation Objectives:** to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.

<b>European Site</b>	<b>Site Code</b>	<b>Relevant QI's and CI's</b>	<b>Distance</b>
Galway Bay SAC	00268	<p>Conservation Objectives:</p> <p>To maintain the favourable conservation of the priority habitats listed below.</p> <p>Priority habitats include:</p> <p>Tidal Mudflats and Sandflats, Coastal Lagoons*, Large Shallow Inlets and Bays Reefs, Perennial Vegetation of Stony Banks , Vegetated sea cliffs of the Atlantic and Baltic coast, Salicornia Mud, Atlantic Salt Meadows, Mediterranean Salt Meadows, Turloughs* , Juniper Scrub, Orchid-rich Calcareous Grassland* ,Cladium Fens* ,Alkaline Fens, Limestone Pavement* ,Otter (Lutra lutra), Common (Harbour) Seal (Phoca vitulina)</p>	56m northeast of the subject site.
Galway Bay	004031	Conservation Objectives:	100m

SPA		<p>To maintain the favourable conservation of the priority habitats listed below.</p> <p>Priority habitats include</p> <p>Great Northern Diver <i>Gavia immer</i> ,  Cormorant <i>Phalacrocorax carbo</i>, Grey Heron <i>Ardea cinerea</i>, Brent Goose <i>Branta bernicla hrota</i>, Wigeon <i>Anas Penelope</i>, Teal <i>Anas crecca</i>, Shoveler <i>Anas clypeata</i>, Red-breasted Merganser <i>Mergus serrator</i> , Ringed Plover <i>Charadrius hiaticula</i>, Golden Plover <i>Pluvialis apricaria</i>, Lapwing <i>Vanellus vanellus</i>, Dunlin <i>Calidris alpina</i> alpine, Bar-tailed Godwit <i>Limosa lapponica</i> , Curlew <i>Numenius arquata</i>, Redshank <i>Tringa totanus</i> , Turnstone <i>Arenaria interpres</i> A, Black-headed Gull <i>Chroicocephalus ridibundus</i> , Common Gull <i>Larus canus</i> , Sandwich Tern <i>Sterna sandvicensis</i>, Common Tern <i>Sterna hirundo</i> , Wetlands</p>	northeast of the subject site.
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7.7.4. I am satisfied that Galway Bay SAC can be screened out of any further assessment due to the absence of relevant qualifying interests in the vicinity of the works and the absence of an aquatic connection between the European site and the proposed development.

7.7.5. In relation to Galway Bay SPA the potential indirect effects relate to:

- Disturbance from noise and light pollution and emissions during the construction phase.

7.7.6. The development is for an apartment block and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that

any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

- 7.7.7. I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site, the Galway Bay SAC (site code 00268) and Galway Bay SPA (site code 004031) or any other site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

## **8.0 Recommendation**

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity and the policies of the Galway City Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30<sup>th</sup> April 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The design of apartment Block A shall reflect the eight storey over basement drawings submitted with the original planning application on the 31<sup>st</sup> October 2018.

Reason: In the interest of proper planning and sustainable development and in the interest of visual amenity.

3. Details, including samples, of the materials, colours and textures of all the external finishes to the building and boundary wall treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. A 1.80m high opaque screen shall be provided to the side boundaries of the upper level balconies of Block A and Block B.

Reason: In the inters of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roof of the building; or any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

7. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement

of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. The communal/gym area proposed shall be retained as a communal facility for the residents of the apartments only.

Reason: In the interest of proper planning and sustainable development

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly street numbering

14. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name

Reason: In the proper planning and orderly development.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Irené McCormack  
Planning Inspector  
21<sup>st</sup> October 2019